Collecting Race and Ethnicity Data

Policy

USDA Federal Regulations:
7 CFR Part 246.8(a)(3)- Collection and reporting of racial and ethnic participation data as required by title VI of the Civil Rights Act of 1964, which prohibits discrimination in federally assisted programs on the basis of race, color, or national origin

Policy Memo (Final WIC Policy Memorandum Fiscal Year 2002-6, Revision 1, WIC Racial/Ethnic Data Collection
Self-identification by the participant at the time of certification is the preferred method of obtaining data. Participants must be asked to self-identify their racial and ethnic categories, but only after it has been explained and they understand that the collection of this information is to produce data on characteristics of populations served, and to monitor compliance with Federal civil rights laws. Participants should also be informed that this data collection has no effect on the determination of their eligibility to participate in the WIC Program.

OMB requires that when the participant does not provide racial and ethnic information, the staff shall obtain the information through observation and record it as observed. If a participant chooses not to self-identify her/his racial and/or ethnic group, visual identification by a program staff member must be used to determine the participant's racial and ethnic categories. Selection of one race is acceptable when local agency staff performs visual identification.

Authority

USDA Federal Regulations: 7 CFR Part 246.8 (a)(3)
Policy Memo (Final WIC Policy Memorandum Fiscal Year 2002-6, Revision 1, WIC Racial/Ethnic Data Collection, excerpt
USDA Federal Regulations: 7 CFR 15
USDA Federal Regulations: 7 CFR 16
USDA Departmental Regulations
FNA Program Regulations
Judicial Administration Federal Regulations: 28 CFR 35
Judicial Administration Federal Regulations: 28 CFR 36
Judicial Administration Federal Regulations: 28 CFR 42
Title VI of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Americans with Disabilities Act (ADA) of 1990
ADA Amendments Act of 2008
Age Discrimination Act of 1975
Civil Rights Restoration Act of 1987

Procedures

The program participation data collected at the time of application includes racial identity and ethnicity. All data regarding racial identity and ethnicity is confidential. Access to this data is limited to authorized local and state WIC personnel.

Applicants must be asked to identify their race and ethnicity, however providing this information is voluntary.

Note: If an applicant does not self-identify, visual observation shall be used to collect the data. Participants must be informed that visual observation will be used to collect the data. Selection of one race and ethnic group is acceptable when local agency staff performs visual identification. If visual identification is used, document this in the participant's record.

Follow these steps to collect racial identity and ethnicity information.

Step	Action
1	Tell the applicant that information about racial identity and ethnicity is collected strictly for statistical purposes and has no effect on their eligibility for the WIC Program.
2	Ask the participant to self-report their ethnicity and record their response in the data system.
3	Ask the participant to identify all racial groups that apply and record their response in the data system.
4	If the applicant does not self-identify, inform the participant that visual observation will be used to collect the data. If visual identification is used, document this in the participant's record. teleWIC Appointments: If the applicant does not self-identify and visual observation is not possible, document race and ethnicity, as it is required to be recorded in the data system. Document in the participant's record that the participant chose not to self-identify and that race and ethnicity was chosen by the staff member. A note should also be placed in the participant's record to follow-up with the participant the next time they are in for an in-person appointment, to gather race and ethnicity data.

The electronic records containing this data are subject to the record retention requirements described in the policy "Document Retention".